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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
SIXTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

YAZMIN LEAL CASTRO,

Defendant and Appellant.

H043068

(Santa Clara County

Super. Ct. No. C1486402)

In February 2014, defendant Yazmin Leal Castro punched and kicked the father of her two children. She also scratched his new girlfriend's face and pulled her hair. In May 2014, defendant hit the father of her children four to five times with a closed fist, threw a bottle of beer, which hit his lip, and bit his forearm.

In October 2014, defendant was charged with inflicting corporal injury on a spouse, cohabitant, former spouse, or former cohabitant (Pen. Code, § 273.5, subd. (a) - count 1)<sup>1</sup> assault with a deadly weapon (§ 245, subd. (a)(1) - count 2), battery on a spouse, cohabitant, parent of child, former spouse, fiancé or dating relationship (§§ 242-243, subd. (e) - count 3), and battery (§§ 242-243, subd. (a) - count 4).

In February 2015, the change of plea hearing was held. The trial court advised defendant of the immigration consequences of her plea and the maximum prison

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<sup>1</sup> All further statutory references are to the Penal Code.

sentence. After the trial court also advised defendant of her rights to a preliminary hearing, to a jury trial, to confront and cross-examine witnesses, to produce evidence and present a defense, and to remain silent,<sup>2</sup> defendant waived her rights and pleaded no contest to amended counts 3, 4, and 5<sup>3</sup> pursuant to a negotiated agreement.

In October 2015, defendant filed a motion to withdraw her plea. Defendant included a declaration stating: “1. I didn’t understand the severity of the situation and how it’s going to affect myself and my children. [¶] 2. I would have to go to jail and I would not like to have to go to jail and have my children sent to Mexico. [¶] 3. The father has custody so they would go with him. The father’s brother has a restraining order with my children, so I would not like my children to go with their father and be near that man. [¶] 4. There would be no other option because I don’t have any other family here. Their father is the only person for them to go with if I were to go to jail. [¶] 5. The father did not like the idea of them going to Mexico either. [¶] 6. Another fear I have is that I would need to renew my U-Visa, and me having any sort of felony would refrain my chances of renewing or getting residence. [¶] 7. I have also been having a hard time finding a job. I had a job offer and they took the job away after they did a background check and found I had a criminal record. [¶] . . . [¶] 9. There could also be thousands of other reasons but there are the most important reasons.”

Following a hearing, the trial court denied the motion. The trial court suspended imposition of sentence and granted probation for three years. The probation conditions included a six-month jail sentence, which would be split into three months of electronic monitoring and three months in county jail.

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<sup>2</sup> Defendant also initialed and signed an advisement of rights, waiver, and plea form.

<sup>3</sup> Count 5 appears to have been added by oral amendment and charged defendant with battery causing serious bodily injury (§§ 242-243, subd. (d)). The prosecutor also orally amended the three counts to strike the language “use, force and violence against” and to insert “offensively touch.”

Defendant filed a timely notice of appeal. Defendant also filed a supplemental notice of appeal.

Appointed appellate counsel has filed an opening brief which states the case and the facts but raises no issues. Defendant was notified of her right to submit written argument on her own behalf but has failed to avail herself of the opportunity. Pursuant to *People v. Wende* (1979) 25 Cal.3d 436, we have reviewed the entire record and have concluded that there are no arguable issues on appeal.

The order is affirmed.

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Mihara, J.

WE CONCUR:

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Elia, Acting P. J.

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Bamattre-Manoukian, J.